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04/20/2006 /Pamela Gerik/
Date Pamela Gerik

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF MAILED MARCH 20, 2006

Dear Sir/Madam:

This paper is submitted in response to the Notice of Non-Compliant Appeal Brief Mailed March 20, 2006. The brief was cited as non-compliant for failing to contain the proper explanation of the subject matter as defined in each of the independent claims involved in the appeal. In accordance with MPEP 1205.03, included herewith (beginning on page 2 of this paper) is a corrected summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's claimed subject matter includes a display system having a display, a graphical user interface, and a processor. (Specification – page 11, lines 28-30; FIG. 1, reference number 10). The processor is coupled between the display and the graphical user interface and is adapted to operate from a windows-based operating system for executing a software component during runtime of an application program. (Specification – page 12, lines 1-3; FIG. 1, reference number 12). The executed software component generates a first image upon the display independent of code within the operating system during a first time and, during a second time, emulates code that, when executed by the processor, generates a second image upon the display dependent on code within the operating system. (Specification – page 12, lines 6-10). The generated first and second images are substantially identical. (Specification – page 13, lines 7-8).

The Appellant's claimed subject matter also includes a method for displaying an image. (Specification – page 13, lines 1-2; pages 27 and 28, lines 16-28 and 1-8, respectively, in reference to FIG. 9). The method includes running an application program upon a computer and under an operating system, wherein the application program includes a first interface dependent on the operating system. (Specification – page 13, lines 2-4). The method further includes displaying a first image upon a display of the computer using the first interface and replacing the interface with a second interface that is substantially independent of the operating system yet emulates the behavior of at least a part of the first interface. (Specification – page 13, lines 2-6). Moreover, the method includes re-running the application program and re-displaying a second image upon the display of the computer using the second interface, wherein the second image has substantially the same look and feel as the first image. (Specification – page 13, lines 7-8).

Other subject matter claimed by the Appellant includes a computer-readable storage device having an operating system and an application program. (Specification – page 13, lines 10-12; FIG. 1, reference number 18). The application program is adapted for executing code of a software component which, during a first time, generates a first image dependent of code executing within the operating system. (Specification – page 13, lines 13-15). In addition, the application program is adapted for executing code of a software component which, during a second time, generates a second image independent on code executing within the operating system. (Specification – page 13, lines 15-16). The second image is adapted to overwrite the first image upon a display screen during the second time (Specification – page 13, lines 2-6). In addition, the first and second images are substantially identical. (Specification – page 13, lines 7-8).

CONCLUSION

The present response is believed to be a complete response to the issues raised in the Notice of Non-Compliant Appeal Brief Mailed March 20, 2006. If the Examiner has any questions, comments or suggestions, the undersigned earnestly requests a telephone conference.

Commissioner is authorized to charge any fees which may be required or credit any overpayment to Daffer McDaniel, LLP Deposit Account No. 50-3268.

Respectfully submitted,
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Date: April 20, 2006